Clean Air Act
Diesel & Sovereign Immunity Issues

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Diesel Fuel Changes

- **Proposed Changes to 40 CFR 69, 80 & 86**
  - **65 Fed. Reg. 35429-35559**
  - **2 June 2000**
  - **Designed to lower sulfur content**
- **DoD Comments**
  - **JP-8 is the universal battlefield fuel for NATO**
  - **JP-8 has 3000 ppm sulfur content**

Diesel Fuel (Cont'd)

- **National Security Exemption**
- **State Rule Makings**

Sovereign Immunity?

- **Controlling Cases**
  - **U.S. v. Tennessee Air Pollution Control Board (6th Circuit)**
    - **185 F.3d 529 (1999)**
  - **People of California v. US**
    - **215 F.3d 1005 (2000)**